

By 

H. B. No. 2677

A BILL TO BE ENTITLED

AN ACT

relating to the safe use and regulation of fireworks.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading of Section 240.904, Local Government Code, is amended to read as follows:

Sec. 240.904. REGULATION OF RESTRICTED [~~CERTAIN~~] FIREWORKS.

SECTION 2. Section 240.904(a)(1), Local Government Code, is amended to read as follows:

(1) "Restricted fireworks [~~Aerial--fireworks~~]" means only those items classified under 49 C.F.R. Sec. 173.100(r)(2) (10-1-86 edition), as "skyrockets with sticks" and "missiles with fins" [~~other-pyrotechnic-devices-that-have-fins-or-rudders-for-the purpose-of-achieving-aerodynamic--flight,--including--devices--that would-be-considered-a-missile-or-a-rocket~~].

SECTION 3. Sections 240.904(c), (f), and (g), Local Government Code, are amended to read as follows:

(c) Upon a determination under this section that drought conditions exist within all or part of a specified county, the commissioners court of such county by order may prohibit or restrict the sale or use of restricted [~~certain-aerial~~] fireworks in all or a portion of the unincorporated area of the county where drought conditions have been determined to exist. In addition, during the December fireworks season, the commissioners court of a county by order may restrict or prohibit the sale or use of

1 restricted [~~certain--aerial~~] fireworks in specified areas when
2 conditions on rural acreage in the county not under cultivation for
3 a period of at least 12 months are determined to be extremely
4 hazardous for the danger of fire because of high grass or dry
5 vegetation.

6 (f) The county may designate one or more areas of
7 appropriate size and accessibility in the county as safe areas
8 where the use of restricted [~~aerial~~] fireworks is not prohibited.
9 The safe area may be provided by the county, a municipality within
10 the county, or an individual, business, or corporation. A safe
11 area may be designated in and provided in the geographic area of
12 the regulatory jurisdiction of a municipality if the activity
13 conducted in the safe area is authorized by general law or a
14 municipal regulation or ordinance. An area is considered safe if
15 adequate public safety and fire protection services are provided to
16 the area. A county, municipality, individual, business, or
17 corporation is not liable for injuries or damages resulting from
18 the designation, maintenance, or use of the safe area.

19 (g) A person selling any type of [~~aerial~~] fireworks,
20 including restricted [~~or-other~~] fireworks, in a county that has
21 adopted an order under Subsection (c) shall, at every location at
22 which the person sells fireworks in the county, provide reasonable
23 notice of the order and reasonable notice of any location
24 designated under Subsection (f) as a safe area.

25 SECTION 4. Article 5.43-4, Insurance Code, is amended by
26 adding Section 16B to read as follows:

27 Sec. 16B. FIREWORKS SAFETY AND EDUCATION PROGRAM. (a) The

1 commissioner shall establish a fireworks safety and education
2 program. The program shall provide information relating to the
3 proper and safe use of fireworks and the dangers of the improper
4 use of fireworks.

5 (b) A program established under this section shall be
6 administered by the advisory council established under Section 5B
7 of this article. The program may include any method of
8 communicating the need for safe use of fireworks and the dangers of
9 improper use. A program the advisory council proposes to present
10 must be approved by the commissioner.

11 (c) In order to fund the program established under this
12 section, the holder of the following licenses shall pay a fee, in
13 addition to any other license fee, in the following amounts:

14 (1) the holder of a retail permit issued under Section
15 8 of this article--\$10; and

16 (2) the holder of a manufacturer's, distributor's, or
17 jobber's license issued under Section 6 of this article--\$250.

18 (d) Funds collected under Subsection (c) of this section may
19 be used only by the commissioner for the purposes of this section.

20 SECTION 5. (a) This Act takes effect September 1, 1999.

21 (b) Section 16B, Article 5.43-4, Insurance Code, as added by
22 this Act, applies only to the issuance of or renewal of a retail
23 permit or manufacturer's, distributor's, or jobber's license issued
24 or renewed on or after September 1, 1999.

25 SECTION 6. The importance of this legislation and the
26 crowded condition of the calendars in both houses create an
27 emergency and an imperative public necessity that the

1 constitutional rule requiring bills to be read on three several
2 days in each house be suspended, and this rule is hereby suspended.

76TH LEGISLATURE

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

For chief clerk use only

Bill or Resolution Number: HB 2677

Tony Goolsby
signature of primary author

Tony Goolsby
printed name of primary author

3-17-99
Date

PERMISSION TO SIGN HB 2677 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)

XX ALL REPRESENTATIVES

THE FOLLOWING REPRESENTATIVE(S): _____

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

<u>A2120 Alexander</u>	<u> </u> Date	<u>A2600 Counts</u>	<u> </u> Date	<u>A2795 Farabee</u>	<u> </u> Date
<u>A2115 Allen</u>	<u> </u> Date	<u>A2605 Crabb</u>	<u> </u> Date	<u>A2810 Farrar</u>	<u> </u> Date
<u>A2105 Alvarado</u>	<u> </u> Date	<u>A2610 Craddick</u>	<u> </u> Date	<u>A2840 Flores</u>	<u> </u> Date
<u>A2135 Averitt</u>	<u> </u> Date	<u>A2615 Crownover</u>	<u> </u> Date	<u>A2920 Gallego</u>	<u> </u> Date
<u>A2160 Bailey</u>	<u> </u> Date	<u>A2645 Cuellar</u>	<u> </u> Date	<u>A2930 Garcia</u>	<u> </u> Date
<u>A2205 Berman</u>	<u> </u> Date	<u>A2635 Culberson</u>	<u> </u> Date	<u>A2940 George</u>	<u> </u> Date
<u>A2250 Bonnen</u>	<u> </u> Date	<u>A2670 Danburg</u>	<u> </u> Date	<u>A2935 Giddings</u>	<u> </u> Date
<u>A2275 Bosse</u>	<u> </u> Date	<u>A2620 Davis, John</u>	<u> </u> Date	<u>A2880 Glaze</u>	<u> </u> Date
<u>A2260 Brimer</u>	<u> </u> Date	<u>A2625 Davis, Yvonne</u>	<u> </u> Date	<u>A2985 Goodman</u>	<u> </u> Date
<u>A2265 Brown, Betty</u>	<u> </u> Date	<u>A2680 Delisi</u>	<u> </u> Date	<u>A2990 Goolsby</u>	<u> </u> Date
<u>A2270 Brown, Fred</u>	<u> </u> Date	<u>A3385 Denny</u>	<u> </u> Date	<u>A3005 Gray</u>	<u> </u> Date
<u>A2255 Burnam</u>	<u> </u> Date	<u>A2690 Deshotel</u>	<u> </u> Date	<u>A3000 Green</u>	<u> </u> Date
<u>A2300 Capelo</u>	<u> </u> Date	<u>A2705 Driver</u>	<u> </u> Date	<u>A3010 Greenberg</u>	<u> </u> Date
<u>A2400 Carter</u>	<u> </u> Date	<u>A2665 Dukes</u>	<u> </u> Date	<u>A3020 Grusendorf</u>	<u> </u> Date
<u>A2585 Chavez</u>	<u> </u> Date	<u>A2660 Dunnam</u>	<u> </u> Date	<u>A3030 Gutierrez</u>	<u> </u> Date
<u>A2480 Chisum</u>	<u> </u> Date	<u>A2650 Dutton</u>	<u> </u> Date	<u>A3035 Haggerty</u>	<u> </u> Date
<u>A2525 Christian</u>	<u> </u> Date	<u>A2770 Edwards</u>	<u> </u> Date	<u>A2695 Hamric</u>	<u> </u> Date
<u>A2520 Clark</u>	<u> </u> Date	<u>A2760 Ehrhardt</u>	<u> </u> Date	<u>A3160 Hardcastle</u>	<u> </u> Date
<u>A2435 Coleman</u>	<u> </u> Date	<u>A2775 Eiland</u>	<u> </u> Date	<u>A3170 Hartnett</u>	<u> </u> Date
<u>A2565 Cook</u>	<u> </u> Date	<u>A2785 Elkins</u>	<u> </u> Date	<u>A3345 Hawley</u>	<u> </u> Date
<u>A2595 Corte</u>	<u> </u> Date	<u>A2790 Ellis, Dan</u>	<u> </u> Date	<u>A3180 Heflin</u>	<u> </u> Date

For chief clerk use only
Bill or Resolution Number: HB 2677

A3310 Hilbert	Date	A3715 Madden	Date	A4435 Shields	Date
A3250 Hilderbran	Date	A3750 Marchant	Date	A4445 Siebert	Date
A3275 Hill	Date	A2700 Maxey	Date	A4525 Smith	Date
A3270 Hinojosa	Date	A3665 McCall	Date	A4530 Smithee	Date
A3305 Hochberg	Date	A3650 McClendon	Date	A4550 Solis, Jim	Date
A3290 Hodge	Date	A3845 McReynolds	Date	A4560 Solis, Juan	Date
A3325 Homer	Date	A3840 Merritt	Date	A4505 Solomons	Date
A3320 Hope	Date	A3855 Moreno, Joe	Date	A4515 Staples	Date
A3315 Howard	Date	A3860 Moreno, Paul	Date	A4570 Swinford	Date
A3355 Hunter	Date	A3870 Morrison	Date	A4585 Talton	Date
A3360 Hupp	Date	A3865 Mowery	Date	A4605 Telford	Date
A3375 Isett	Date	A3885 Naishtat	Date	A4630 Thompson	Date
A3415 Janek	Date	A3890 Najera	Date	A4635 Tillery	Date
A3410 Jones, Charles	Date	A3895 Nixon, Joe	Date	A4650 Truitt	Date
A3405 Jones, Delwin	Date	A3900 Noriega	Date	A2730 Turner, Bob	Date
A3400 Jones, Jesse	Date	A3880 Oliveira	Date	A4685 Turner, Sylvester	Date
A3440 Junell	Date	A3886 Olivo	Date	A4690 Uher	Date
A3475 Keel	Date	A4010 Palmer	Date	A4695 Uresti	Date
A3480 Keffer	Date	A4180 Pickett	Date	A4720 Van de Putte	Date
A3470 King, Phil	Date	A4185 Pitts	Date	A4990 Walker	Date
A3465 King, Tracy	Date	A4200 Puente	Date	A4995 West, George "Buddy"	Date
A3485 Krusee	Date	A4210 Ramsay	Date	A5035 Williams	Date
A3450 Kuempel	Date	A4240 Rangel	Date	A5000 Wilson	Date
A3510 Laney	Date	A4245 Reyna, Arthur	Date	A5020 Wise	Date
A3520 Lengefeld	Date	A4236 Reyna, Elvira	Date	A5015 Wohlgemuth	Date
A3605 Lewis, Glenn	Date	A4250 Ritter	Date	A4980 Wolens	Date
A3600 Lewis, Ron	Date	A4370 Sadler	Date	A5005 Woolley	Date
A3615 Longoria	Date	A4380 Salinas	Date	A5025 Yarbrough	Date
A3620 Luna, Vilma	Date	A4420 Seaman	Date	A5040 Zbrank	Date

H.B. No. 2677

A BILL TO BE ENTITLED
AN ACT

By 

Relating to the safe use and regulation of fireworks.

MAR 09 1999 Filed with the Chief Clerk

MAR 11 1999 Read first time and referred to Committee on State Affairs

Reported favorably (as amended)
(as substituted)

Sent to Committee on (Calendars)
(Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(yeas, nays)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(yeas, nays)

Senate and Constitutional 3 Day Rules suspended by a vote of yeas, nays

Read third time, _____, and passed by (a viva voce vote)
(yeas, nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)